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15 *Attorneys for Plaintiffs*

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17 **UNITED STATES DISTRICT COURT**

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19 **DISTRICT OF NEVADA**

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21 BOARD OF TRUSTEES OF THE
22 PLUMBERS AND PIPEFITTERS LOCAL
23 525 HEALTH AND WELFARE TRUST
24 AND PLAN; BOARD OF TRUSTEES OF
25 THE PLUMBERS AND PIPEFITTERS
1 UNION LOCAL 525 PENSION PLAN;
2 AND BOARD OF TRUSTEES OF
3 PLUMBERS AND PIPEFITTERS LOCAL
4 UNION 525 APPRENTICE AND
5 JOURNEYMAN TRAINING TRUST FOR
6 SOUTHERN NEVADA,

7

Plaintiffs,

8

9 vs.
10 FRANCISCO GONZALEZ-FARIAS, an
11 individual; HUDSON INSURANCE
12 AGENCY, a New York corporation;
13 MOUNTAIN LION PLUMBING, INC., a
14 Nevada corporation; GABRIELLA
15 NAVARRO, an individual; SECURITY
16 PLUMBING AND AIR CONDITIONING,
17 a Nevada corporation,

18

Defendants.

19

20 Lead Case No. 2:14-cv-01027-APG-PAL

21 Consolidated with Case No. 2:15-cv-00824-
22 APG-CWH and 2:15-cv-01148-LDG-GWF

23 **RENEWED MOTION FOR
24 JUDGMENT DEBTOR
25 EXAMINATIONS OF GABRIELLA
1 NAVARRO, FRANCISCO GONZALEZ-
2 FARIAS, MOUNTAIN LION
3 PLUMBING, INC., AND SECURITY
4 PLUMBING AND AIR
5 CONDITIONING**

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1 On March 8, 2017, the Court entered a judgment in favor of the Plaintiffs, the Boards of
 2 Trustees of the Plumbers and Pipefitters Union Local 525 Health and Welfare Trust and Plan, the
 3 Plumbers and Pipefitters Union Local 525 Pension Plan, and the Plumbers and Pipefitters Local
 4 Union 525 Apprentice and Journeyman Training Trust for Southern Nevada (collectively “Trust
 5 Funds) and against Francisco Gonzalez-Farias (“Gonzalez”), Gabriella Navarro (“Navarro”),
 6 Mountain Lion Plumbing, Inc., (“Mountain Lion Plumbing”) and Security Plumbing and Air
 7 Conditioning (“Security Plumbing”), (collectively “Defendants”), jointly and severally, in the
 8 amount of \$1,927,376.00. Defendants have failed to satisfy the judgment.

9 On May 17, 2017, the Court previously authorized the Trust Funds to conduct judgment
 10 debtor examinations of all Defendants to occur June 20-21, 2017. (Order (ECF No. 118).) The
 11 Trust Funds served the Court’s orders on an individual named Christian on June 15, 2017, who
 12 admitted to being a co-resident. (Affidavit of Service (ECF No. 122, filed June 21, 2017).)

13 The Defendants, however, did not appear. The Trust Funds then moved for an Order to
 14 Show Cause (the “Motion for OSC”). (Motion for OSC (ECF No. 123, filed July 17, 2017).) The
 15 Court denied the Motion on the grounds that the Trust Funds did not provide enough notice to the
 16 Defendants for both the production of documents and the judgment debtor examinations. (Order
 17 Denying Motion for OSC (ECF No. 124, filed July 27, 2017).) The Court granted the Trust Funds
 18 leave to refile a motion for judgment debtor examinations. (*Id.*)

19 In accordance with the Court’s July 27, 2017, Order, the Trust Funds resubmit their
 20 request to perform examinations of Gonzalez, as an individual judgment debtor and as the owner
 21 Security Plumbing, and Navarro, as an individual judgment debtor and as the owner of Mountain
 22 Lion Plumbing, with the deposition dates set approximately sixty days out from the date of the
 23 instant Motion.

24 Pursuant to Rule 69(a) of the Federal Rules of Civil Procedure, a judgment creditor may
 25 pursue execution of a judgment in accordance with any procedure or practice of the State in
 26 which the district court is sitting. Nevada Revised Statute 21.270 provides that a judgment
 27 creditor may depose a judgment debtor regarding his property and assets. Specifically, this statute
 28 provides:

1. A judgment creditor, at any time after the judgment is entered, is entitled to an order from the judge of the court requiring the judgment debtor to appear and answer upon oath or affirmation concerning his or her property, before:

- (a) The judge or a master appointed by the judge; or
- (b) An attorney representing the judgment creditor,

at a time and place specified in the order. No judgment debtor may be required to appear outside the county in which the judgment debtor resides.

2. If the judgment debtor is required to appear before any person other than a judge or master:

- (a) The oath or affirmation of the judgment debtor must be administered by a notary public; and
- (b) The proceedings must be transcribed by a court reporter or recorded electronically. The transcript or recording must be preserved for 2 years.

3. A judgment debtor who is regularly served with an order issued pursuant to this section, and who fails to appear at the time and place specified in the order, may be punished for contempt by the judge issuing the order.

The Trust Funds are informed and believe that Gonzalez and Navarro both reside in Clark County, Nevada. Therefore, the Trust Funds request that the Court sign the Orders, attached as Exhibits 1 through 4, requiring Gonzalez and Navarro to provide documents relating to Mountain Lion Plumbing's, Security Plumbing's and their property and assets on or before the date of the examinations. The Orders also command Navarro and Gonzalez to appear at the Trust Funds' counsel's office on the dates and times indicated on the face of the Orders for examinations under oath and to answer questions relating to their and Mountain Lion Plumbing's and Security Plumbing's property and assets.

1 Upon receiving executed copies of the Orders, the Trust Funds will serve Gonzalez and
2 Navarro with copies of the Orders providing notice of the time and place of their examinations at
3 least thirty-seven (37) days before the examination date.

4 Dated: August 9, 2017

5 BROWNSTEIN HYATT FARBER SCHRECK, LLP

6 /s/ Christopher M. Humes

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CERTIFICATE OF SERVICE

Pursuant to Federal Rule of Civil Procedure 5(b), I certify that I am an employee of Brownstein Hyatt Farber Schreck, LLP and that on August 9, 2017, I served a true copy of the foregoing **RENEWED MOTION FOR JUDGMENT DEBTOR EXAMINATIONS OF GABRIELLA NAVARRO, FRANCISCO GONZALEZ-FARIAS, MOUNTAIN LION PLUMBING, INC., AND SECURITY PLUMBING AND AIR CONDITIONING** upon:

Francisco Gonzales-Farias
4213 Lower Saxon
North Las Vegas, NV 89085

Gabriella Navarro
4213 Lower Saxon
North Las Vegas, NV 89085

Security Plumbing & Air Conditioning
c/o Francisco Gonzalez-Farias
4213 Lower Saxon
North Las Vegas, NV 89085

Mountain Lion Plumbing, Inc.
c/o Gabriella Navarro
4008 Alameda Ave.
Las Vegas, NV 89110

Mountain Lion Plumbing, Inc.
c/o Francisco Bacerra
80 Levi Ave.
Las Vegas, NV 89103

a. BY U.S. MAIL

☒ b. BY CM/EGE SYSTEM

I declare under penalty of perjury that the foregoing is true and correct.

/s/ Wendy Cosby

An Employee of Brownstein Hyatt Farber Schreck, LLP

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17 **UNITED STATES DISTRICT COURT**
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8 FRANCISCO GONZALEZ-FARIAS, an
9 individual; HUDSON INSURANCE
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11 MOUNTAIN LION PLUMBING, INC., a
12 Nevada corporation; GABRIELLA
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14 PLUMBING AND AIR CONDITIONING,
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16 Defendants.

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20
21 **ORDER ON MOTION FOR**
22 **JUDGMENT DEBTOR**
23 **EXAMINATION OF GABRIELLA**
24 **NAVARRO**

25 **Date: October 6, 2017**

26 **Time: 10:30 a.m.**

1 The Court, having reviewed the Motion (the “Motion”) for Judgment Debtor
2 Examinations of Francisco Gonzalez-Farias, Gabriella Navarro (“Navarro”), Mountain Lion
3 Plumbing, Inc., and Security Plumbing and Air Conditioning, submitted by the Plaintiffs, Boards
4 of Trustees of the Plumbers and Pipefitters Union Local 525 Health and Welfare Trust and Plan’s,
5 the Plumbers and Pipefitters Union Local 525 Pension Plan’s, and the Plumbers and Pipefitters
6 Local Union 525 Apprentice and Journeyman Training Trust for Southern Nevada’s (collectively,
7 “Trust Funds”), being fully advised, and good cause appearing:

9 IT IS HEREBY ORDERED, that Navarro, as an individual judgment debtor, shall appear
10 at the office of Brownstein Hyatt Farber Schreck, LLC, located at 100 North City Parkway, Suite
11 1600, Las Vegas, Nevada, 89106, on October 6, 2017, at 10:30 a.m. for a judgment debtor
12 examination regarding her property and assets.

13 IT IS FURTHER ORDERED, that Navarro shall produce to the Trust Funds’ counsel at
14 100 North City Parkway, Suite 1600, Las Vegas, Nevada 89106, one (1) week prior to the
15 examination, the following documents:

17 Any and all documents evidencing Navarro’s current ownership of any stock;

18 Any and all documents regarding real property currently owned by Navarro, including but
19 not limited to location, value, mortgage, mortgage payments, liens, or the like regarding such real
20 property;

21 A complete current inventory list of assets owned by Navarro;

22 The last twelve (12) statements for each and every one of Navarro’s bank accounts in
23 existence during such twelve (12) months, without regard to whether such account remains open;

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1 Any and all documents regarding real property disposed of by Navarro in the last five (5)
2 years.

3 DATED: August 11, 2017

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5 UNITED STATES DISTRICT/MAGISTRATE JUDGE

6
7 Submitted by:

8 BROWNSTEIN HYATT FARBER SCHRECK,
9 LLP

10 /s/ Christopher M. Humes

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